



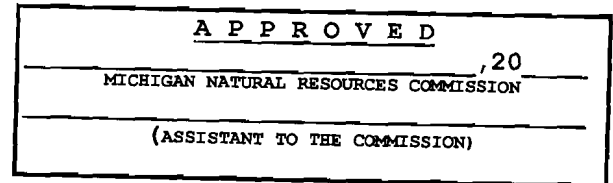
JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT  
LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

SUBMITTED: June 11, 2010  
RESUBMITTED: July 12, 2010



Memorandum to the Natural Resources Commission

SUBJECT: Crossbow Regulations  
Wildlife Conservation Order Amendment No. 17 of 2010

Authority:

The Natural Resources and Environmental Protection Act, 1994, PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background

The current crossbow regulations were established in March of 2009, after a series of discussions and working sessions were held by the NRC on the topic of crossbows and expanding their use into Michigan's hunting seasons. This amendment proposes three options for crossbow regulations:

Option 1:

- Allow crossbows to be used statewide in all legal hunting seasons, except maintaining present regulations in the Upper Peninsula (Zone 1).
- Allow crossbows, where legal, to be used by any individual 10 years of age or older.
- Continue to require that all crossbow hunters obtain a free crossbow stamp.
- Eliminate the sunset provision for the use of crossbow in the affected sections of the Wildlife Conservation Order (WCO).
- Maintain the provision that crossbows may be used for game that may also be taken with a firearm.
- Allow temporary crossbow permits for hunters with temporary disabilities.
- Allow the use of modified bows when crossbows are legal.
- Remove the 350 feet per second bolt velocity restriction.

Option 2:

- Maintain crossbow regulations that were enacted in March of 2009.
- Allow temporary crossbow permits for hunters with temporary disabilities.
- Eliminate the sunset provision for the use of crossbow in the affected sections of the WCO.
- Allow crossbows, where legal, to be used by any individual 10 years of age or older.
- Allow the use of modified bows when crossbows are legal.
- Remove the 350 feet per second bolt velocity restriction.
- Continue to require that all crossbow hunters obtain a free crossbow stamp.

Option 3:

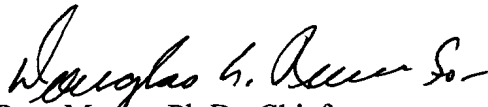
- Allow crossbows to be used statewide by any individual 10 years of age or older.
- Continue to require that all crossbow hunters obtain a free crossbow stamp.
- Eliminate the sunset provision for the use of crossbow in the affected sections of the WCO.
- Maintain the provision that crossbows may be used for game that may be taken with a firearm.
- Repeals section 5.95 of the WCO that addresses permits for crossbow use by hunters with disabilities.
- Allow the use of modified bows when crossbows are legal.
- Remove the 350 feet per second bolt velocity restriction.
- Continue to require that all crossbow hunters obtain a free crossbow stamp.

All of the above options bring the WCO into alignment with present statute, which allows both permanently and temporarily disabled persons to apply for a crossbow permit. This proposal also allows the use of modified bows to be legally used whenever it is legal to use a crossbow. All three options remove the 350 feet per second bolt velocity restriction and maintain the requirement that the legal use of crossbows requires a free crossbow stamp.

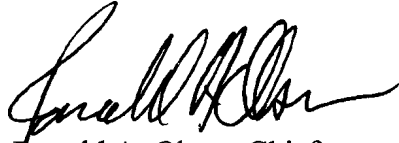
The Wildlife Division has previously stated that the use of crossbows would not have a detrimental effect on wildlife populations. The removal of the sunset language will make the present WCO easier to read and understand. Nevertheless, the Division will continue to target surveys to hunters who choose to use a crossbow as a weapon of choice to determine the effect the crossbow has on hunter recruitment, retention, and harvest.

Recommendation

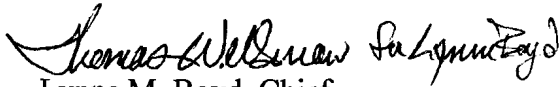
This order was submitted for information on July 8, 2010, at the Natural Resources Commission Meeting. This item appeared on the Department's June 2010 calendar and may be eligible for approval on August 12, 2010.



Russ Mason, Ph.D., Chief  
Wildlife Division



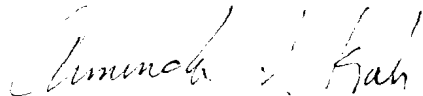
Ronald A. Olson, Chief  
Recreation Division



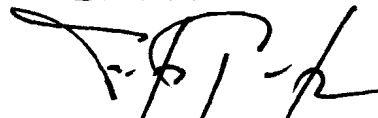
Lynne M. Boyd, Chief  
Forest Management Division



Gary Hagler, Chief  
Law Enforcement Division



Arminda S. Koch Deputy Director  
Resource Management



Frank Ruswick, Deputy Director  
Stewardship

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.



Rebecca A. Humphries  
Director

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 17 of 2010**

Under the authority of sections 40107 and 40113a, 1994 PA 451, as amended, MCL 324.40107 and 324.40113a, the Natural Resources Commission and the Director of the Department of Natural Resources and Environment ordered that effective August 13, 2010, the following sections of the Wildlife Conservation Order shall read as follows:

### **1.13 Modified bow defined.**

Sec. 1.13 "Modified bow" means a bow, other than a crossbow as defined in Section 1.12, of this order that has been physically altered so that the bow may be held, aimed, and shot with one arm.

### **2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.**

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, crossbow, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the person's possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvester's license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, natural resource and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "shotgun, handgun, black-powder firearms only area" from November 15 to November 30, or use to take a deer during any firearm deer season in the "shotgun, handgun, black-powder firearms only area," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

- (6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.
- (7) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.
- (8) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.
- (9) Take any animal at any time other than during the hunting hours and open seasons established in this order, except as may otherwise be provided in chapter VI.
- (10) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.
- (11) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.
- (12) Make use of a dog in hunting deer, except as noted in section 2.1a of this order.
- (13) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently or temporarily disabled person who holds a special permit provided for in part 401, wildlife conservation, natural resources and environmental protection act, 1994 PA 451, being MCL 324.40101 to 324.40119 or section 5.95 of this order.
- (14) Use aircraft to aid in the taking of a wild bird or wild animal.
- (15) Take game with a crossbow unless the hunter meets the following criteria:
  - (a) Possesses a valid license and a crossbow stamp to take game. The crossbow stamp shall be part of the license to hunt with a crossbow.
  - (b) Uses only arrows, bolts, and quarrels for taking deer, bear, elk, and turkey with a broadhead hunting type of point not less than 7/8 of an inch wide with a minimum of 14 inches in length.
- (16) Take deer with a crossbow or a modified bow in zone 1 from December 1 to March 31. This subsection shall not apply to a person who holds a special permit provided for in part 401, wildlife conservation, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.40101 to 324.40119, or section 5.95 of this order.

### **2.1a Tracking by dogs; requirements.**

- (1) A dog may be used to locate a wounded deer or elk if the dog is kept on a leash and, subject to section 43510, subsections (2) and (3), of part 435, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, none of the persons in attendance possess a firearm, crossbow or bow and arrow, except as noted in 2.1a (2 ) and (3). If the tracking is done at night, artificial lights ordinarily carried in the hand, or on the person, may be used. A dog that barks while tracking shall not be used on public lands. The use of dogs to recover legally taken game does not authorize trespass.
- (2) A licensed deer or elk hunter accompanying a dog tracker shall not have a live round in the chamber, a cocked crossbow, or bow with nocked arrow, except at the time and point of kill.
- (3) A licensed bear hunter accompanying a dog tracker outside of legal hunting hours shall not have a loaded firearm, a cocked crossbow, or bow with nocked arrow except at the time and point of kill.
- (4) Only a licensed hunter may dispatch and tag the wounded deer, elk, or bear.

(5) A dog tracker, when accompanying a licensed hunter, must comply with all the following:

(a) Tracker must successfully complete a basic tracking test as administered by a department approved organization and shall furnish such proof upon the request of a peace officer.

(b) Tracker has in his or her possession a license to carry a concealed pistol or is authorized to carry without obtaining a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.

(c) Tracker must receive annual written authorization from the department's law enforcement division prior to participation in activities involving the tracking of wounded animals.

(d) Tracker's name, address, telephone number, and accompanying hunter's license information must be provided to the department's report all poaching telephone number prior to initiating each tracking activity.

(e) Tracker must contact the department's report all poaching telephone number within 12 hours of a mortally wounded animal being dispatched or ending each tracking activity.

#### **2.4 Permissible use of artificial lights.**

Sec. 2.4 (1) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used from September 15 to March 31 by a person traveling afoot with a bow and arrow, crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell, however, subject to section 43510, subsections (2) and (3), of part 435, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 435.43510, the person shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow, except as provided in section 2.1a of this order or when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(2) Persons not possessing a bow, crossbow, or firearm while traveling afoot may use lights as defined in subsection (1) during dog training or field dog trials to follow dogs chasing raccoon opossum, or fox.

#### **2.4a Permissible use of a crossbow and laser sighting device by blind person during lawful hunting hours, conditions for use.**

Sec. 2.4a A blind person, as defined by section 1 of 1978 PA 260 MCL 393.351, may use a laser sighting device in conjunction with a crossbow or a firearm to take an animal during the lawful hunting hours for that animal if all of the following conditions are met while the person is taking an animal:

(1) The person is accompanied and assisted by a sighted person. The sighted person must be at least 18 years of age and be in possession of a hunting license other than an apprentice license issued by this state, another state, a province of Canada, or another country or a certificate of completion of training in hunter safety issued by this state, another state, a province of Canada, or another country, and shall furnish such proof upon the request of a peace officer.

(2) The person possesses proof of blindness in the form of an identification card issued under the authority of section 1 of 1972 PA 222, MCL 28.292, and furnishes the proof of blindness upon the request of a peace officer.

(3) The department may issue a permit to a person who is permanently or temporarily disabled to use a laser sighting device in conjunction with a crossbow, modified bow, or a firearm to take an animal during lawful hunting

hours for that animal if the permittee is accompanied by another person at least 18 years of age who is licensed to hunt that game under a license other than an apprentice license.

## **2.5 Hunting hours, exceptions; prohibited activities.**

Sec. 2.5 (1) Except for the trapping of animals and as otherwise specified in this section, the hunting hours shall substantially conform to one-half hour before sunrise to one-half hour after sunset and shall be those starting times and ending times published in the Michigan hunting and trapping guide or in the respective state hunting guide for that animal.

(2) In addition to the daylight hunting hours specified in subsection (1) and during those dates specified for the use of artificial lights in sections 2.4 and 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell may take within their specified open seasons raccoon, opossum, and fox with the aid of dogs; and fox and coyote, during the season open to the taking of fox, with the aid of a game or predator call. Subject to section 43510, subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, a person hunting these species during the nighttime hunting hours shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(3) Except for woodcock and crow, the hunting and hawking hours for all waterfowl and migratory birds shall be as listed in the state waterfowl hunting guide. The hunting hours for woodcock shall substantially conform to sunrise to sunset and shall be as published in the Michigan hunting and trapping guide. The hunting hours for crow shall be as specified in subsection (1).

(4) The hunting hours for wild turkey during the spring season shall substantially conform to one-half hour before sunrise to one-half hour before sunset, and shall be those starting times and ending times published in the state hunting guide for wild turkey.

(5) Subject to section 43510, subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, except during the hunting hours specified in this section and as otherwise provided by subsection (2), a person shall not possess afield a firearm unless it is unloaded in the barrel, or crossbow or a bow and arrow unless all arrows and bolts are placed in a quiver. A person may, to comply with section 4.1(2), kill a down and mortally wounded deer, bear, or elk using an otherwise legal means and may possess a loaded firearm, a cocked crossbow, or bow with nocked arrow only at the time and at the point of kill. Notwithstanding any other provision of this subsection, a person hunting under the authority of a wild turkey license during the spring wild turkey season may load and carry a loaded firearm afield while going to their hunting stand up to one hour prior to the spring wild turkey hunting hours.

## **2.8 Hunt with bow and arrow from scaffold, raised platform, or tree allowed; taking deer or bear with firearm from scaffold, raised platform or tree allowed; use of scaffold, platform, ladder, steps or certain other devices in taking an animal on publicly owned lands, exception.**

Sec. 2.8 A person may hunt with a crossbow or a bow and arrow from a scaffold, raised platform, or tree. A person taking deer or bear with a firearm may use a scaffold, raised platform, or tree. A person taking fox or coyote with a firearm one-half hour before sunrise to one-half hour after sunset may use a scaffold, raised platform, or tree, pursuant to all other hunting regulations. In taking an animal, a person shall not do any of the following on publicly owned lands:

(1) Permanently construct or affix to a tree or other natural feature a scaffold, platform, ladder, steps or any other device to assist in climbing a tree, or use any item that penetrates the cambium of a tree in the construction or affixing of any device to assist in climbing a tree.

(2) Use or occupy a scaffold, raised platform, ladder, or step that has been permanently affixed or attached to any tree or other natural feature.

(3) Nothing in this section shall prohibit a scaffold or platform temporarily affixed to a tree by use of a T-bolt or similar device supplied by the manufacturer at the time the scaffold or platform was purchased.

(4) Use or occupy a scaffold or raised platform without having first etched, engraved, implanted, burned, printed, or painted on the scaffold or raised platform, the name and address of the user in legible English easily read from the ground.

(5) Use, occupy, or place a scaffold, raised platform, ladder, steps, or any other device to assist in climbing a tree if the scaffold, raised platform, ladder, steps, or other device is on public lands earlier than September 1 of each year or is not removed by March 1.

### **2.13 Hunt with a modified bow**

Sec. 2.13 A hunter may hunt with a modified bow, as defined in section 1.13, if that person holds a license issued pursuant to part 435 to hunt with a crossbow and complies with all other laws and rules for the taking of game.

### **3.2 Elk hunting firearms and bows, exceptions.**

Sec. 3.2 Those firearms, crossbows, and bows legal for the taking of deer in Michigan shall be legal to take elk, except that it shall be unlawful to use a shotgun with buckshot to take elk.

### **3.101 Deer hunting open seasons; type of deer that may be taken; carrying of firearms; season limit.**

Sec. 3.101. (1) The open firearm deer season shall be from November 15 to November 30.

(2) The open muzzle-loading and black-powder firearms deer season in zone 1 shall be a total of 10 days from the first Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 2 shall be a total of 10 days from the second Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 3 shall be a total of 17 days from the first Friday in December to 16 days thereafter.

(3) Subject to section 43510, subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, a person hunting deer with a muzzleloading firearm during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a muzzle-loading rifle, muzzle-loading shotgun, or black-powder pistol, loaded with black-powder or a commercially manufactured black-powder substitute, or a crossbow.

(4) The open bow and season shall be from October 1 through November 14 and from December 1 through January 1.

(5) Subject to section 43510, subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, during the open bow and arrow season, a person hunting deer with a bow and arrow or a crossbow shall not possess or carry afield a pistol, revolver, or any other firearm unless the person is properly licensed to hunt deer with a firearm and is hunting in an area open to firearm deer hunting.

(6) The late antlerless firearm deer season shall be from the first Monday following the third Saturday in December through January 1 upon privately owned lands within Alcona, Allegan, Antrim, Alpena, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Macomb, Mecosta, Midland, Monroe, Montcalm,



Montmorency, Muskegon, Oakland, Oceana, Oscoda, Ottawa, Presque Isle, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne counties, and upon privately-owned lands within that portion of Newaygo county south of M-20, that portion of Charlevoix county within deer management unit 015, that portion of Arenac county within zone 3, and that portion of Arenac county east of M-65 within zone 2. Only a person possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during this season.

(7) The deer management assistance firearm hunt period shall be from the first Monday following the third Saturday in December through January 1 upon lands owned by federal, state, county, or local units of government, non-profit organizations, and other urban or suburban properties in zone 3. Only those areas with a wildlife division approved deer population management plan will be considered for issuance of these special deer management assistance permits. Only a person possessing a valid deer management assistance permit issued for this hunt period may take a deer with a firearm or a crossbow during this season.

(8) The season limit shall be 1 deer per firearm deer license, 1 deer per bow and arrow deer license, 1 deer per tag issued with a combination deer license, plus 1 deer per antlerless deer license.

(9) A person shall not purchase more than one firearm deer license or more than one bow and arrow deer license per calendar year.

(10) Except as provided by sections 3.101a, 3.101c and 3.101d, the kind of deer which may be taken during the respective open seasons for each combination of season and deer license type shall be as follows:

<b><u>Type of license</u></b>	<b><u>Season in which used</u></b>	<b><u>Kind of deer that may be taken</u></b>
Bow and arrow deer license	Bow and arrow only seasons	Antlerless or antlered deer, except if a person takes 2 antlered deer all seasons combined, one of the antlered deer must have at least 1 antler with 4 or more antler points 1 or more inches in length
Firearm deer license	Firearm deer season, muzzle-loading and black-powder firearms only season	Antlered deer, except if a person takes 2 antlered deer all seasons combined, one of the antlered deer must have at least 1 antler with 4 or more antler points 1 or more inches in length, or antlerless deer in deer management unit 487
	Youth and 100% disabled veteran firearm deer hunting days	Antlerless or antlered deer
Combination deer license – Regular	Bow and arrow only seasons	Antlerless or antlered deer
	Firearm deer season or muzzle-loading and black-powder firearms only season	Antlered deer, or antlerless deer in deer management unit 487
	Youth and 100% disabled veteran firearm deer hunting days	Antlerless or antlered deer

Combination deer license – Restricted	Bow and arrow only seasons	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length
	Firearm deer season or muzzle-loading and black-powder firearms only season	A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length, or antlerless deer in deer management unit 487
	Youth and 100% disabled veteran firearm deer hunting days	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length

(10) The early antlerless firearm deer season shall be a 5-day hunt starting on the third Thursday in September upon privately owned lands within Alcona, Alpena, Antrim, Iosco, Montmorency, Oceana, Oscoda, and Presque Isle counties and upon privately owned lands within zone 3, and upon privately owned lands within those portions of Bay, Isabella, Mecosta, Midland, and Muskegon counties within zone 2, and upon privately owned lands within that portion of Arenac county east of M-65 within zone 2 and that portion of Charlevoix county within deer management unit 015. Only a person possessing a valid private land antlerless deer license issued for the deer management unit in which they are hunting may take a deer during this season.

**3.101e Youth and 100 percent disabled veteran firearm deer hunting days, season established, limits defined, adult requirements, hunting hours.**

Sec. 3.101e (1) The youth and 100 percent disabled veteran firearm deer hunting days shall be a 2-day hunt starting the fourth Saturday in September.

(2) The youth early antlerless firearm hunting days shall be a 4-day hunt starting on the Tuesday prior to the fourth Saturday in September within dmu 041 and dmu 486.

(3) Individuals wishing to participate in the youth and 100 percent disabled veteran firearm deer hunting days shall be eligible if one of the following applies:

(a) A youth 10 through 16 years of age at the time of their hunt.

(b) A veteran with 100 percent disability as defined by the United States department of veterans affairs may participate in the youth and 100 percent disabled veteran firearm deer hunting days. Documentation from the United States department of veteran's affairs indicating 100 percent disability shall be in the possession of a veteran participating in this hunt.

(c) A resident rated by the United States department of veterans affairs as individually unemployable may participate in the youth and 100 percent disabled veteran firearm deer hunting days. Documentation from the United States department of veteran's affairs indicating this rating shall be in the possession of a veteran participating in this hunt.

(4) Individuals wishing to participate in the youth early antlerless firearm hunting days must be 10 to 16 years of age at the time of their hunt.

(5) The following rules shall apply to a person taking deer on the youth and 100 percent disabled veteran firearm deer hunting and the youth early antlerless firearm hunting days:

(a) A parent or legal guardian shall not allow a youth hunter to go afield to hunt deer unless the youth hunter is accompanied by an adult at least 18 years of age or older. Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, natural resource and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, an adult accompanying a youth firearm deer hunter shall not possess or carry a firearm, or bow and arrow, except a veteran with 100 percent disability may possess a firearm, or bow and arrow if hunting under the authority of section 3.101e(2b).

(b) The hunting hours shall be one-half hour before sunrise to one-half hour after sunset, local time.

(c) Except as otherwise specifically provided in this section, all regulations of state law and this order regarding the taking, possession, transportation, and storage of deer during a firearm deer season shall apply to persons participating in youth and 100 percent disabled veteran firearm deer hunting days and the youth early antlerless firearm hunting days.

(6) During the youth early antlerless firearm deer hunting days a hunter may take one antlerless deer for each antlerless deer hunting license they possess, valid for the unit in which they are hunting.

(7) During the youth and 100 percent disabled veteran firearm deer hunting days a hunter may take one deer provided they possess a firearm or combination deer hunting license or an antlerless deer hunting license valid for the unit in which they are hunting. Notwithstanding any other provisions of this order, during the youth and 100 percent disabled firearm deer hunting days a firearm or combination deer hunting license is valid for either an antlered or an antlerless deer.

### **3.106 South Fox Island deer management unit, open seasons, permitted hunting arms.**

Sec. 3.106 (1) The bow and arrow only deer hunting season shall be from October 1 to October 28 within the South Fox Island deer management unit.

(2) The firearm deer hunting season shall be from October 29 to November 26 within the South Fox Island deer management unit. Permissible firearms, crossbows, and bows and arrows shall be the same as those for zone 2 during the firearm deer season.

(3) A person shall not take a deer from November 27 to January 1 within the South Fox Island deer management unit.

(4) The director may establish hunting periods and quotas for the number of permits to be issued for hunting deer on South Fox Island.

### **3.203 Bear hunting, open seasons, described.**

Sec. 3.203. (1) The open season for taking bear with firearms, crossbows, or bow and arrow in the Carney, Bergland, Baraga, Amasa, Gwinn, and Newberry bear management units in zone 1 shall be from September 10 through October 26.

(2) A person shall not take a bear on Bois Blanc island.

(3) The open season for taking bear in the Drummond island bear management unit shall be September 10 through October 21.

(4) The open season for taking a bear with firearms, crossbows, or bow and arrow in the red oak bear management unit in zone 2 shall be from the first Friday following September 15 and 8 days thereafter. The open season for taking a bear with bow and arrow only in the red oak bear management unit shall be from the first Friday following October 1 through 6 days thereafter.

(5) The open season for taking a bear with firearms, crossbows, or bow and arrow in the Gladwin bear management unit shall be from the first Friday following September 15 and 8 days thereafter.

(6) The open season for taking a bear with firearms, crossbows, or bow and arrow in the entire Baldwin bear management unit shall be from the first Friday following September 15 and 8 days thereafter.

(a) The open season for taking a bear with firearms, crossbows, or bow and arrow in the Baldwin bear management unit, north area, as defined in section 12.557, shall be a total of 14 days from 7 days prior to the first Friday following September 15 and 6 days thereafter.

(7) There shall be no open season for the taking of bear in the Dansville bear management unit.

### **3.310 Taking wild turkey; firearms, bow and arrow, crossbows, ammunition; unlawful acts.**

Sec. 3.310 Subject to section 43510, subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, a person shall not use or carry afield a firearm other than a firearm designed and manufactured to fire a fixed shotgun shell or a muzzleloading shotgun while taking wild turkey. A bow and arrow or a crossbow may be used to take wild turkey. A person shall not use or carry afield any ammunition except shotgun shells loaded with no. 4 or smaller shot or no. 4 or smaller loose shot for use in muzzleloading shotguns while taking wild turkey.

### **3.409 Migratory game bird open season, federal refuges; prohibited acts, exception.**

Sec. 3.409 A person shall not possess or carry firearms, crossbows, or bow and arrow, or take any game during the open season for taking migratory game birds on any national wildlife refuge when posted to prohibit unauthorized entry; except on that portion of the Shiawassee national wildlife refuge in Saginaw county on which duck and/or goose hunting is authorized by a daily hunting permit issued by the United States fish and wildlife service or the department.

### **3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.**

Sec. 3.600 It shall be unlawful for any person:

(1) To use a firearm, crossbow, or bow and arrow to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department. Rimfire firearms .22 caliber or smaller may be used to kill coyote, fox, raccoon, bobcat, and badger in traps, except for youths trapping with a junior fur harvester-trap only license.

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(3) To use, carry afield, or have in possession 1 or more snares or 1 or more cable restraints unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan driver's license number of the user or person possessing the catching device.

(4) To use or have in possession 1 or more snares or 1 or more cable restraints securely attached to a pole unless the uppermost end of the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(5) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 8 inches in height, 8 inches in width, and 36 inches in depth. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

(6) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(7) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take fur-bearing animals except as permitted under the provisions of subsection (4).

(8) To use any portion of any protected animal or protected bird as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit a person from using the carcasses and parts thereof of game animals or game birds, lawfully taken and possessed during their open season, as bait, except as stated in Section 5.31 of this order.

(9) A trap or snare shall not be set on a beaver dam or lodge unless the trap is totally submerged below the water.

(10) To set a body gripping or conibear type trap larger than 5 and one half inches in width as measured inside the jaw hinges on dry land or over frozen submerged bottomlands, unless the trap is placed as follows:

(a) On private land and less than 7 and one half inches as measured inside the jaw hinges.

(b) On public or private lands 4 feet or more above dry ground or the frozen surface of ice, as applicable.

(c) On public lands:

(i) Less than 8 inches above the ground at the highest point, and in a way that does not use bait, lure, or attractant to entice an animal and the trap is between 5 and one half and 6 and one half inches as measured inside the jaw hinges.

(ii) In a box or similar container that is placed vertically on a tree or other structure so that the trap trigger is at least 4 inches from the container opening and the opening of the container is no more than 6 inches from the ground.

(iii) In a box or similar container with a maximum fixed opening of 6 inches measured from the inside bottom of the container opening to the lower edge of the top of the container opening with 8 inch slots to allow trap placement so that no part of the trap trigger is closer than 6 inches to the opening edge of the container and the trap is between 5 and one half inches and 7 and one half inches as measured inside the jaw hinges.

(11) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2 before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed leghold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(12) To set a catching device designed to hold an animal alive unless any catch is released or removed upon checking the catching device. Restraining type traps and cable restraints designed to hold an animal alive shall be checked at least once daily in zones 2 and 3 and within a 48 hour period in zone 1, except as noted in Section 5.52 (8).

(13) To use, carry afield, or set a trap with teeth or serrations.

### **5.95 Permit to take game with a crossbow.**

Sec. 5.95 (1) The department may issue a permit to a person who is certified as being permanently or temporarily disabled by a licensed physician or physical/occupational therapist as provided in this section. That permit shall be issued without cost to the applicant and shall authorize that person to take deer with a crossbow or modified bow per section 2.1 (16) of this order during the open season for that game if that person holds a license to take deer issued pursuant to part 435 and complies with all other laws and rules for the taking of game.

(2) An applicant for a permit under this section shall submit to the department a signed certification from a licensed physician or physical/occupational therapist indicating the disability determined to be present in the permit applicant. The licensed physician or physical/occupational therapist may certify that the applicant is permanently or temporarily disabled as required by this section if the licensed physician or physical/occupational therapist finds that the permit applicant has a disability that renders them unable to use conventional archery equipment. In support of such a determination, the licensed physician or physical/occupational therapist shall utilize the following standards and criteria:

(a) A functional draw test to simulate the drawback posture and/or position with a weight equivalent to 35 pounds of resistance for a 4-second duration.

(b) Manual muscle testing: Shoulder flexion, shoulder extension, shoulder abduction (horizontal plane) elbow flexion and elbow extension are graded equal to or less than 3 of 5 using a standard manual muscle grading scale or an equivalent test.

(c) Impaired range of motion: Goniometric measurements using the "American medical association guide to evaluation and permanent impairment rating," or other guidelines accepted by the American medical association or an equivalent test. If shoulder flexion is equal to or less than 90 degrees or shoulder extension is equal to or less than 10 degrees or shoulder abduction is equal to or less than 70 degrees or elbow flexion is equal to or less than 90 degrees or elbow extension is equal to or less than negative 20 degrees, the permit may be granted.

(d) Amputations involving body extremities required for stable function to use conventional archery equipment do not require objective test findings. However, the applicant is required to present a physician's certification to be qualified for a permit.

(e) Any spinal cord injury resulting in permanent or temporary disability to the lower extremities, leaving the applicant permanently or temporarily non-ambulatory or other disability resulting in a permanent or temporary wheelchair (mobility device) restriction, as diagnosed by a physician, do not require objective test findings.

(f) Coordination assessment. Coordination is the ability to execute smooth, accurate, controlled movement. Incoordination or coordination deficit describes abnormal motor function characterized by awkward, extraneous, uneven, or inaccurate movements, caused by central nervous disorders, including, but not limited to, Parkinson's disease, cerebral palsy, hemiplegia, hemiparesis, and closed head trauma, or by progressive neuromuscular diseases, such as muscular dystrophy, multiple sclerosis, and amyotrophic lateral sclerosis. Purpose: to assess the ability of muscles or groups of muscles to work together to perform a task.

(3) Any other permanent or temporary disability that renders the applicant unable to use conventional archery equipment as diagnosed by a licensed physician shall be sufficient grounds for granting the permit. The licensed physician must note in general terms how the disability prevents the applicant from using conventional archery equipment other than a crossbow or modified bow.

(4) A person shall not seek diagnosis from a licensed physician or physical/occupational therapist for purposes of meeting the requirements of this section on more than 2 occasions within a 6-month period.

(5) Crossbow and modified bow permits for permanent disabilities issued pursuant to this section are valid unless revoked pursuant to the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328.

(6) Arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow or modified bow under a permit issued under this section or as provided in section 2.1 are required to have a broadhead hunting type of point not less than 7/8 of an inch wide and must be a minimum of 14 inches in length.

### **6.3 Hunting with dogs, license requirement.**

Sec 6.3 The following persons chasing or locating game with dogs during the open season for that game, except as provided in section 2.1a, shall have a current valid hunting license for the game being chased or located:

- (a) Any person possessing a firearm, crossbow, or bow and arrow.
- (b) The owner, when present, of any dog chasing or locating bear or bobcat.

Issued this 12th day of August, 2010.

Approved as to matters over which the Natural Resources Commission has authority.

Timothy L. Nichols, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries  
Director